

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

OLIVIA Y., et al.,	)	
	)	
Plaintiffs,	)	CIVIL ACTION NO. 3:04-CV-251-DCB-FKB
	)	
v.	)	
	)	
TATE REEVES, as Governor of	)	
the State of Mississippi, et al.,	)	
	)	
Defendants.	)	
	)	

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**PLAINTIFFS' RESPONSE TO DEFENDANTS' NOTICE OF THE IMPACT OF THE  
NOVEL CORONAVIRUS (COVID-19) ON DEFENDANTS' OBLIGATIONS UNDER  
THE 2<sup>ND</sup> MODIFIED MISSISSIPPI SETTLEMENT AGREEMENT  
AND REFORM PLAN**

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Plaintiffs respond as follows to Defendants' Notice of the Impact of the Novel Coronavirus ("COVID-19") on Defendants' Obligations Under the 2<sup>nd</sup> Modified Mississippi Settlement Agreement and Reform Plan ("2nd MSA"):

1. Plaintiffs acknowledge that the obligations of the Mississippi Department of Child Protection ("MDCPS") under the 2nd MSA have been, and will continue to be, impacted by COVID-19.
2. While Plaintiffs acknowledge that Defendants may need to take certain measures to prevent the spread of COVID-19, protecting Mississippi's most vulnerable children remains crucial. Therefore, Plaintiffs request that this Court direct Defendants to take measures to preserve the constitutional rights of children in the state's care.

3. The COVID-19 guidelines provided by Defendants require a caseworker to administer a questionnaire on COVID-19 symptoms over the phone prior to an in-home visit. The guidelines further require that workers document each instance where work cannot be completed because of exposure or potential exposure to COVID-19. In such situations where face-to-face contact will not take place because of the presence of COVID-19 symptoms, Plaintiffs request that this Court direct Defendants to also document efforts taken to make contact through remote means.

4. Similarly, Plaintiffs request that, upon return to normal operating procedures, Defendants provide Plaintiffs and the Monitor with documentation of all instances where work could not be completed due to COVID-19.

5. Plaintiffs further request that, upon return to normal operating procedures, Defendants identify which provisions of the 2nd MSA were impacted by COVID-19 and why COVID-19 necessitated noncompliance with those provisions.

6. Finally, Plaintiffs request that Defendants continue to provide Plaintiffs with updated MDCPS COVID-19 guidelines as they are issued.

RESPECTFULLY SUBMITTED, this the 23rd day of March 2020.

/s/ Marcia Robinson Lowry  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 23rd, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will deliver copies to all counsels or record.

/s/ Marcia Robinson Lowry  
Marcia Robinson Lowry (*pro hac vice*)

